

AMENDED IN ASSEMBLY SEPTEMBER 2, 2011

AMENDED IN ASSEMBLY AUGUST 29, 2011

AMENDED IN SENATE MAY 31, 2011

SENATE BILL

No. 263

Introduced by Senator Pavley

February 10, 2011

An act to amend Section 13752 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 263, as amended, Pavley. Wells: reports: public availability.

Existing

(1) Existing law requires a person who digs, bores, or drills a water well, cathodic protection well, or a monitoring well, or abandons or destroys a well, or deepens or reperfors a well, to file a report of completion with the Department of Water Resources. Existing law prohibits those reports from being made available to the public, except under certain circumstances to governmental agencies for use in making studies, to any person who obtains a written authorization from the owner of the well, and to a person performing an environmental cleanup study under certain circumstances.

This bill would ~~instead require the department to make the reports available to the public~~ remove the exception for persons performing an environmental cleanup study, and would additionally authorize the department to make the reports available to academics affiliated with institutions of postsecondary education for specified purposes and to geologists, geophysicists, hydrologists, civil engineers, and persons possessing a specified well contractor's license. The bill would require the department to provide a specified disclaimer when providing the

reports to the public. *The bill would require the department to require a person seeking a report to identify the intended use of the report. The bill would prohibit specified persons receiving the report pursuant to these provisions from disclosing the exact location of a well in the report; providing the report to other persons or entities not involved in the conduct of a study; and utilizing the report, or information or data in the report, for the sale, resale, solicitation, or advertisement for sales or services. The bill would provide that knowingly violating this prohibition would be a misdemeanor that would be punishable, upon conviction, by a fine, by imprisonment in the county jail, or by both, as specified.*

By creating a new crime, this bill would establish a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13752 of the Water Code is amended to
2 read:

3 ~~13752. (a) The department shall make available to the public~~
4 ~~a report made in accordance with paragraph (1) of subdivision (b)~~
5 ~~of Section 13751.~~

6 13752. (a) A report made in accordance with paragraph (1)
7 of subdivision (b) of Section 13751 shall not be made available
8 for inspection by the public. However, a report shall be made
9 available to the following:

10 (1) Governmental agencies for use in making studies.

11 (2) Academics affiliated with an institution of postsecondary
12 education for the purpose of scientific or public research.

13 (3) A geologist or geophysicist licensed and registered pursuant
14 to Chapter 12.5 (commencing with Section 7800) of Division 3 of
15 the Business and Professions Code.

1 (4) *A professional hydrologist registered with the American*
2 *Institute of Hydrology.*

3 (5) *A civil engineer licensed and registered pursuant to Chapter*
4 *7 (commencing with Section 6700) of Division 3 of the Business*
5 *and Professions Code.*

6 (6) *A person who possesses a California C-57 Water Well*
7 *Contractor's License.*

8 (7) *Any person who obtains a written authorization from the*
9 *owner of the well.*

10 (b) *When providing a report to the public pursuant to subdivision*
11 *(a), the department shall also provide a statement that includes all*
12 *of the following:*

13 (1) *The information provided in a report varies in accuracy,*
14 *scale, origin, and completeness.*

15 (2) *The information is provided without warranty of the*
16 *suitability of the information for any particular purpose.*

17 (3) *Use of the information in the report may require professional*
18 *interpretation or judgment.*

19 (4) *Any use of the information provided in a report is at the*
20 *user's own risk.*

21 (c) *The department shall require a person seeking a report*
22 *pursuant to subdivision (a) to identify the intended use of the*
23 *report.*

24 (d) *A person who receives a report pursuant to subdivision (a),*
25 *and any person involved in the conduct of a study who receives*
26 *the report, shall not do any of the following:*

27 (1) *Disclose the exact location of any well in the report.*

28 (2) *Provide the report to other persons or entities that are not*
29 *involved in the conduct of the study.*

30 (3) *Utilize the report, or information or data in the report, for*
31 *sale, resale, solicitation, or advertisement for sales or services.*

32 (e) *Any person who knowingly violates subdivision (d) is guilty*
33 *of a misdemeanor and, upon conviction, may be punished by a fine*
34 *of not more than twenty-five thousand dollars (\$25,000) for each*
35 *day of the violation, by imprisonment in the county jail for not*
36 *more than one year, or by both the fine and imprisonment.*

37 SEC. 2. *No reimbursement is required by this act pursuant to*
38 *Section 6 of Article XIII B of the California Constitution because*
39 *the only costs that may be incurred by a local agency or school*
40 *district will be incurred because this act creates a new crime or*

1 *infraction, eliminates a crime or infraction, or changes the penalty*
2 *for a crime or infraction, within the meaning of Section 17556 of*
3 *the Government Code, or changes the definition of a crime within*
4 *the meaning of Section 6 of Article XIII B of the California*
5 *Constitution.*

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